

Application Notes
(AN-FSWS 3)



Fire Safety Improvement Works Subsidy Scheme (Third Round Application)

Enquiry
3188 1188



保安局
Security Bureau



AN-FSWS(3)

Introduction

According to the Fire Safety (Buildings) Ordinance (Cap.572) (“**Ordinance**”) which has come into operation since 1 July 2007, the fire safety measures of all composite and domestic buildings constructed by 1 March 1987, or with their plans of the building works first submitted for approval on or before that day, must be enhanced to a safety level meeting the modern standard, with a view to better protecting the lives and properties of the occupiers, users and visitors of the buildings from the risk of fire. The Fire Services Department (“**FSD**”) and the Buildings Department (“**BD**”) will issue “Fire Safety Directions” (“**Directions**”) to owners or occupiers of a building with regard to its fire safety measures to specify the required fire safety improvement works subsequent to an on-site inspection.

The Government announced in the “2017 Policy Address” that the Government planned to devote HK\$2 billion and partnered with the Urban Renewal Authority (“**URA**”) to implement the “Fire Safety Improvement Works Subsidy Scheme” (“**FSW Scheme**”). In view of the positive response by the public for “FSW Scheme”, the Government announced in the “2019 Policy Address” an injection of additional HK\$3.5 billion for implementing a new round of application to subsidise owners of more old composite buildings to undertake fire safety enhancement measures as required by the Ordinance.

Fire Safety Improvement Works Subsidy Scheme now opens for 3rd round application.

1. Eligibility Criteria

“FSW Scheme” is applicable to buildings that meet the following criteria:

- 1.1. The building is not under single ownership and is a target composite building (commercial and residential) under the Ordinance;
- 1.2. The average rateable value of domestic units in the building shall not exceed the limit stated in item 2(b) of the Appendix I to the Integrated Building Rehabilitation Assistance Scheme (“**IBRAS**”);
- 1.3. The building owners have received “Directions” for the common parts of the building and / or its related Fire Safety Compliance Order issued by “FSD” and “BD”, but compliance letters confirming the completion of all fire safety improvement works required by the Ordinance had not been issued as of 11 October 2017.

AN-FSWS(3)

2. Application Period and Methods

- 2.1 The completed Application Form and necessary supporting documents must be returned to “URA” on or before 30 September 2023 by any of the following methods:
- (a) **On-line application:**
Link: <https://www.brplatform.org.hk/e-application>
(The time of receipt of an on-line applications will be adopted as the submission time of that application)
 - (b) Submission by post or in person to the office of “URA” which address can be found in Annex II to the Application Form of the Integrated Building Rehabilitation Assistance Scheme (For submission by post, the date of the stamp chop will be adopted as the date of submission of the application; for submission in person, the date of submission will be determined by the date of the receipt of the Application Form signed by “URA”)

3. Submission of Application Form and Supporting Documents

- 3.1 If building owners have formed an owners’ corporation (“OC”), the “OC” shall be the Applicant who submits the application to “URA”.
- 3.2 If building owners have not formed an “OC”, all owners collectively shall be the Applicant who submits the application to “URA”. Please read the “Application Notes for building without Owners’ Corporation” in Annex I to the IBRAS Application form (**“Application form”**) for the application requirements and details.
- 3.3 The Applicant is required to submit the following documents to “URA” within the application period:
- (a) A duly completed and signed “Application form”;
 - (b) (If building with an “OC” formed) One copy of each of the meeting notices and minutes of the owners’ meeting passing the following resolutions:
 - (i) To resolve on the application for “Fire Safety Improvement Works Subsidy Scheme”;
 - (ii) To authorise the “OC” to be the Applicant, and at least two committee members of the Management Committee or the Manager appointed in accordance with the Deed of Mutual Covenant of the building (“DMC”) as the Applicant’s Representatives to sign the “Application form” and all other documents related to “Fire Safety Improvement Works Subsidy Scheme”;
 - (iii) To carry out fire safety improvement works for the common parts of the building in accordance with the “Fire Safety Directions” and/or the requirements stipulated in the related Fire Safety Compliance Order (the works

AN-FSWS(3)

- must comply with the “Use of Subsidy” in Paragraph 4 of this Application Notes);
- (iv) To apportion all costs and expenditure relating to the fire safety improvement works among all owners of the building in accordance with “DMC” or the relevant provisions in the Building Management Ordinance (Cap.344);
 - (v) To resolve on paying for and joining “URA”'s “Smart Tender” ^{Note 1} (if applicable) for the fire safety improvement works (Please refer to “AN-ST” for details); and
 - (vi) To authorise the Applicant to receive subsidies from “URA” under the “FSW Scheme” on behalf of all owners of eligible buildings.

Note 1: For the resolutions required for joining Smart Tender, please refer to Paragraph 4.2.3 of “AN- ST”

The above resolutions must be passed in accordance with the Building Management Ordinance (Cap.344) and the “DMC”. (For buildings without an “OC” or those held by Civil Servants’ Co-operative Building Society (CBS) (as the case may be), please refer to “Application Notes for building without Owners’ Corporation” in Annex I to the “Application form” for the details of the resolutions required to be passed. The minutes of meeting shall be submitted to “URA” at the time of submission of the “Application form”.)

If the applicant is unable to convene the Owners' meeting to pass the above decision within the application period due to practical difficulties, the applicant may first get resolution in the management committee to participate in the 3rd round of the “FSW Scheme”, and submit the “Application form” and minutes of Management Committee meeting to the “URA”. Then arrange for the approval of the relevant decision at the Owners' meeting later, and then submit the minutes of the Owners' meeting to the “URA”.

- (c) A copy of the Certificate of Registration of “OC” / Certificate of Registration of a Society (if applicable);
- (d) A Copy of the “Directions” for the common parts of the building and / or its related Fire Safety Compliance Order issued by “FSD” and “BD”;
- (e) If relevant works of the building is / are underway, the Applicant must submit one copy of each of the following documents to “URA” within the application period in order to set priorities for processing applications:

Progress	Necessary Supporting Document
1. Consultant appointed	Consultancy Service Contract
2. Contractor appointed	Works Contract

3.4 If the documents set out in items 3.3 (b) - (e) above are not submitted together with the “Application form”, they shall be submitted to “URA” within the application period, otherwise

AN-FSWS(3)

the approval of the application may be affected. If the owners are forming an “OC”, the submission deadline of the documents mentioned in items 3.3 (c) above will be extended to 6 months after the application deadline to 31 March 2024.

- 3.5 After the closing date for application, “URA” will prioritize all applications based on the factors as adopted by the Steering Committee of “FSW Scheme”.
- 3.6 Applications is made on individual “DMC” basis. If a building / estate having more than one “OC” / “DMC” intends to engage the same consultant / Authorised Person /qualified registered contractor to carry out the works as required by the “Directions” and / or the related Fire Safety Compliance Order, each Applicant is required to complete its own “Application form” but each Applicant may choose to submit their completed forms jointly. “URA” will consider them as joint application to decide the priority.
- 3.7 Each Applicant can only submit one “Application form” for his building.
- 3.8 Upon receiving the “Application form”, “URA” will acknowledge receipt thereof in writing.
- 3.9 The Applicant shall not make another application in the 3rd round of “FSW Scheme” if it has already submitted an application in the 1st round or 2nd round of “FSW Scheme” and has been issued the notice of application result or Priority, unless its application has been revoked by “URA” in writing.

4. Use of Subsidy

The subsidy is only applicable to works carried out at the common parts of the building required for complying with the “Directions” and/or its related Fire Safety Compliance Order, which include:

- 4.1 Provision or improvement of the following fire service installations and equipment:
 - (a) Automatic sprinkler system;
 - (b) Fire hydrant and hose reel system;
 - (c) Manual fire alarm system;
 - (d) Emergency lighting;
 - (e) Automatic cut-off device for mechanical ventilating system; and
 - (f) Other alternative fire service installations and equipment/measures approved by “FSD”
- 4.2 Improvement of fire safety construction measures:
 - (a) Protection of exit routes and staircases with fire resisting construction;
 - (b) Improvement of the exit to a street;
 - (c) Provision or replacement of fire doors;
 - (d) Improvement of staircase width;
 - (e) Provision of additional staircases;

AN-FSWS(3)

- (f) Enhancement of existing lifts to become fireman’s lifts;
- (g) Provision of fireman’s lifts;
- (h) Improvement of the resistance of external walls and the protection of openings therein;
- (i) Provision of fire resisting construction separating different parts of the building;
- (j) Provision of fire resisting enclosures to non-emergency services within the staircases; and
- (k) Provision of smoke vents to basements.

4.3 The necessary professional services (e.g. appointment of consultant) and any associated or follow-up works arising from the works mentioned in paragraphs 4.1 and 4.2 above may also be subsidised. All works must comply with the legal requirements and be carried out by qualified registered contractors.

5. Target Beneficiaries and Level of Subsidy

5.1 Except as provided in paragraph 5.2 below, the Applicant may receive subsidy up to 60% of the cost of the fire safety improvement works and the consultancy fees, or the corresponding cap imposed on the relevant category of buildings (see the table below), whichever is less.

“FSW Scheme” – Maximum Subsidy Amount

Number of Storeys	Maximum Amount (HKD)
1 – 3	230,000
4 – 6	470,000
7 – 12	790,000
13 or more	1,260,000

5.2 As regards those buildings with qualified registered contractors already engaged for the fire safety improvement works, the independent consultant appointed by “URA” will assess the relevant documents provided by the Applicant (such as tender documents, works contracts and works progress reports) to determine the level of subsidy, which in any case will not exceed 60% of cost of works and consultancy fees, or the corresponding cap applicable to the relevant category of buildings (whichever is less).

6. Other Subsidies

6.1 If the building is eligible for the 3rd round of “Operation Building Bright 2.0” (“OBB 2.0”), the Applicant may make the application simultaneously. However, the relevant work items shall not duplicate with those approved under “FSW Scheme” or any other past or existing subsidy

AN-FSWS(3)

schemes administered by different institutions or departments. Please refer to the 3rd round of “AN-OBB2.0(Bldg)3” for details.

- 6.2 To encourage the formation of “OC”s by building owners for carrying out fire safety improvement works, any Applicant who is granted the Approval-in-Principle Letter (“AIP letter”) in the 3rd round of “FSW Scheme” with Certificate of Registration of its “OC” issued within the 12 months prior to the deadline of application specified in Paragraph 2.1 above shall be granted a subsidy of HK\$3,000 under the Owners’ Corporation Formation Subsidy.
- 6.3 URA reserves the right not to accept an application under the following situations:
- (a) The Applicant has engaged or is engaging in (or URA has reason to believe that the Applicant has engaged or is engaging in) any act or activity that is likely to constitute or cause the occurrence of any offence endangering national security or which would otherwise be contrary to the interest of national security; or
 - (b) such non-acceptance is in URA’s opinion necessary for safeguarding national security, or protecting public interest, public morals, public order or public safety.

7. Procedures and Requirements for Approval

- 7.1 The successful Applicant for the “FSW Scheme” will receive an “AIP Letter” issued by “URA”. “URA” will earmark funds for such buildings and the Applicant should sign an agreement and take the initiative to organize the works in accordance with the arrangements, guidelines and requirements stipulated by the “FSW Scheme”.
- 7.2 Unless the Applicant has invited tenders for the consultancy firm and /or the qualified registered contractors on or before 6 January 2023, or the consent of the implementation committee of the “FSW Scheme” has been obtained, the Applicant must procure a consultancy firm and its Authorized Person/Qualified Person (collectively referred to as “Works Consultant”) to organise the fire safety improvement works within the specified timeframe and appoint qualified registered contractor to complete such works via the fee-based “URA”’s Smart Tender. All tender procedures shall comply with the requirements of Smart Tender, the Building Management Ordinance (Cap.344) and/or “DMC” (if applicable) and the 3rd round of “FSW Scheme”. Unless the prior consent of the implementation committee of the “FSW Scheme” has been obtained, the services provided by the consultancy firm must include the preparation of preliminary designs of improvement works before tendering of such works.
- 7.3 If the Applicant has already invited tender for a Works Consultant on or before 6 January 2023, such Works Consultant shall sign a “Letter of Undertaking” acknowledging its agreement to observe “URA”’s requirements for the application of the 3rd Round of the “FSW Scheme”, otherwise no funding will be granted for the relevant works. The Applicant shall

AN-FSWS(3)

also use “URA”'s Smart Tender to appoint the qualified registered contractors to complete the works.

- 7.4 If the Applicant has already invited tender for the works mentioned in Paragraphs 4.1 and 4.2 and/ or 4.3 above (i.e. appointment of the Works Consultant and the qualified registered contractor to organise and carry out the works) on or before 6 January 2023, such procurement procedures must comply with the requirements stipulated in the Building Management Ordinance (Cap.344) and/or “DMC” (if applicable). In case the procurement procedure has failed to comply with such requirements, the Applicant shall arrange rectification of the procurement procedure, otherwise the Applicant shall not be eligible to apply for the 3rd round of “FSW Scheme”. Any additional expenses or losses resulted from the rectification of the procurement procedure, including but not limited to compensation for the termination of existing services, shall not be subsidised by the 3rd round of “FSW Scheme” and the Applicant shall be responsible for the same.
- 7.5 The successful Applicant for subsidies under the 3rd round of “FSW Scheme” shall complete the fire safety improvement works in accordance with the schedule stipulated in the “AIP letter”. Under normal circumstances, the Applicant shall appoint the Works Consultant and the qualified registered contractor and commence the works within 24 months from the date of issue of the “AIP letter”.
- 7.6 The Applicant shall submit the required documents to “URA” at different stages of subsidy disbursement to allow “URA” to examine the progress and determine whether the works have been carried out in compliance with the relevant guidelines and requirements. If the Applicant fails to comply with the requirements stipulated in Paragraph 7.5 above and/or under the 3rd round of “FSW Scheme” without any reasonable explanation, the “AIP letter” granted to the building may be revoked.
- 7.7 If the Applicant has not invited tender for the Works Consultant and the qualified registered contractor on or before 6 January 2023, the Applicant shall prepare the consultancy service contract and the works contract in accordance with the guidelines issued by “URA” and submit supporting documents as required by “URA” at different stages, failing which the process of verification and appropriation of funds could be affected. For the requirements for supporting documents, those stipulated in the “AIP letter” and DIY tool-kits of Smart Tender shall prevail.
- 7.8 If the Applicant has not invited tender for the Works Consultant and the qualified registered contractor on or before 6 January 2023, the Applicant shall insert a “Declaration of Charged and Convicted Dishonesty Related Offences”, a “Declaration of Ethical Commitments” , an “Affiliates Not Tendering Certificate” and a “Non-collusion Tendering Certificate” including provisions relating to prohibition of acceptance of advantage, and the declaration of conflict of interest etc. in the tender documents and consultancy/works contracts.
- 7.9 If the Applicant has already invited tender for the Works Consultant and the qualified registered contractor on or before 6 January 2023, the Applicant shall still be required to

AN-FSWS(3)

submit a “Declaration of Charged and Convicted Dishonesty Related Offences”, a “Declaration of Ethical Commitments”, an “Affiliates Not Tendering Certificate” and a “Non-collusion Tendering Certificate” duly signed by the Works Consultant and the qualified registered contractor appointed. Otherwise, the works will not be subsidised.

- 7.10 Staff members or representatives of “URA” will assess the intended work items and the cost estimates, the quotations and the progress of works before and during the works. The Applicant shall assist and facilitate staff members or representatives of “URA” to carry out site inspection of common parts of the building.
- 7.11 For the calculation of the subsidy amount, if the contract sum of the subsidised work items is greater than the estimate made by the independent professional consultant engaged by “URA”, “URA” shall determine the subsidy amount based on such estimate by its independent professional consultant. Otherwise, the subsidy amount shall be determined based on the contract sum of the subsidised work items.
- 7.12 If any works have been commenced/completed/concealed prior to 6 January 2023 such that on-site verification of completion of the works is impossible, the Applicant shall submit all documentary proofs for such works to “URA” for checking, or otherwise such repair items shall not be subsidised.
- 7.13 In case of any material variation to the contract terms or repair costs (whether it is an addition or an omission), the Applicant shall notify “URA” as soon as possible in writing and submit relevant documents for approval, otherwise the subsidy amount will be affected. Material variation refers to any changes in sum that is likely to exceed HK\$200,000 or 20% of the “OC”’s annual management budget (whichever is the less), which require a resolution passed in an owners’ meeting convened under the Building Management Ordinance (Cap.344).
- 7.14 In case of any disputes relating to the eligibility for application or release of subsidy, the decision of “URA” shall be final and conclusive.
- 7.15 Notwithstanding any contrary provision contained in this Application Notes, and whether or not the “AIP letter” has been issued, “URA” has the right to reject the application, to stop payment of subsidies, to recover any subsidies released or to adjust the subsidy amount at any stage on reasonable grounds or in reasonable circumstances and the Applicant shall raise no objection.
- 7.16 All buildings participating in the “FSW Scheme” will be automatically registered for the “RenoSafe Scheme” operated by the Hong Kong Police Force to enjoy the various services offered under the “RenoSafe Scheme”.

AN-FSWS(3)

8. Release of Subsidy

- 8.1 The Applicant should apply to “URA” for release of subsidies in phases (up to 4 phases) according to the progress of works, for payment of the costs of work items for improving the common parts of the building covered by the “FSW Scheme”. The amount of subsidy to be released by “URA” in each phase will be calculated according to the percentage of the completed eligible work items covered by the “FSW Scheme”. Consultancy fee can be included in the above subsidy release application during the contracting period. The Applicant shall give a written undertaking and distribute the subsidies to individual owners in accordance with the funding allocation form provided by “URA”. The Applicant should refund the extra works expenses paid by eligible owners prior to the Applicant’s application for subsidy for the relevant works payable by them.
- 8.2 The subsidy may be revoked if the Applicant shall eventually fail to provide “URA” with the compliance letters from “FSD” and “BD” certifying that the building has completed the “Directions” which set out the fire safety improvement works required and that they have been completed to the requirements in the “Directions”.
- 8.3 In general, “URA” will release the subsidy within 30 days after receiving all required documents.

9. Notes

- 9.1 “URA” is a public body under the regulation of the Independent Commission Against Corruption (ICAC) and the Office of The Ombudsman, Hong Kong. Any incident suspected to be related to corruption shall be reported to ICAC immediately.
- 9.2 “URA” is a public body as defined in the Prevention of Bribery Ordinance (Cap. 201) and all staff members of “URA” are subject to the said Ordinance and are not allowed to solicit and accept any forms of advantages (monetary or otherwise) from customers, contractors, suppliers, registered inspectors or any other person. For the appointment of registered inspectors, project consultants and contractors for the building repair works, staff members of “URA” shall only provide general guidance and are prohibited from taking part in any form of actions leading and influencing the Applicant in the selection of registered consultants, project consultants and contractors (excluding the services arranged by “URA” under Smart Tender).
- 9.3 The “Application form” and this Application Notes are not legally binding on “URA”. “URA” is not liable to any person for any loss or damages which may be incurred or sustained by relying on any information contained in the “Application form” and this Application Notes.
- 9.4 “URA” reserves the right to modify the above contents at any time without prior notice. The web version shall prevail should there be any changes. Please refer to “Building Rehab Platform” (<https://www.brplatform.org.hk>) for the latest version.

AN-FSWS(3)

- 9.5 Any wilful misrepresentation or omission may lead to disqualification and court proceeding. The Applicant is reminded that it is a criminal offence to obtain any pecuniary advantage by deception.

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